

REMARKS

The Office Action mailed on July 16, 2003, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-10 were pending in the present application. By this paper, Applicant does not cancel or add any claims. Therefore, claims 1-10 remain pending in the present application.

Applicant respectfully submits that the present application is in condition for allowance for the reasons that follow.

Indication of Allowable Subject Matter

Applicant thanks Examiner Omgba for the indication that claims 4-6, 8 and 10 are allowable.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 7 and 9 stand rejected under 35 U.S.C. §102(a) as being anticipated by Schwartz (DE 100 02 481). In response, Applicant submits that the present application is entitled to an effective filing date prior to the **August 02, 2001 publication date** of Schwartz, as evidenced by the filing of Japanese Patent Application Number 2001-022854 in Japan on **January 31, 2001**, the Japanese application from which the present U.S. application claims priority.

Per 37 C.F.R. §1.55(a)(4), an English language translation of the certified copy of Japanese Patent Application Number 2001-022854 (the priority document) is submitted with this response (See Appendix A). **The undersigned attorney states that the attached translation is an accurate translation of the certified copy of the priority document.**

Applicant respectfully submits that with the submittal of the translated priority document, the rejection of the claims in view of Schwartz is overcome, and, thus, the application is in condition for allowance.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Examiner Omgba is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By 

Martin J. Cosenza
Attorney for Applicant
Registration No. 48,892

Date December 16, 2003

FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 295-4747
Facsimile: (202) 672-5399